



# Mining Amendment (Transitional) Regulation 2012

under the

Mining Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mining Act 1992*.

CHRIS HARTCHER, MP  
Minister for Resources and Energy

## **Explanatory note**

The object of this Regulation is to make transitional arrangements to ensure that the consent of the holders of certain existing exploration licences for minerals that are taken to include thorium, and of existing applicants for such licences, is required to be obtained to new applications for exploration licences or other authorities relating to thorium over the same land.

This Regulation is made under the *Mining Act 1992*, including section 388 (the general regulation-making power) and clause 1 of Schedule 6.

## **2012 No 460**

Clause 1 Mining Amendment (Transitional) Regulation 2012

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## **Mining Amendment (Transitional) Regulation 2012**

under the

Mining Act 1992

### **1 Name of Regulation**

This Regulation is the *Mining Amendment (Transitional) Regulation 2012*.

### **2 Commencement**

This Regulation commences on 14 September 2012 and is required to be published on the NSW legislation website.

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## Schedule 1 Amendment of Mining Regulation 2010

### [1] Schedule 12 Savings and transitional provisions

Insert in alphabetical order in clause 10:

*transitional exploration application* means an application for an exploration licence in respect of Group 1 minerals that, because of clause 11, are taken to include thorium.

*transitional exploration licence* means an exploration licence in respect of Group 1 minerals that, because of clause 11, are taken to include thorium.

### [2] Schedule 12, clauses 12 and 13

Insert after clause 11:

#### **12 Exploration licence applications relating to land subject to transitional existing exploration licence or transitional exploration application**

- (1) This clause applies to an application for an exploration licence in respect of Group 11 minerals in respect of land that is subject to a transitional exploration application or a transitional exploration licence.
- (2) For the purposes of the application of section 19 of the Act to an application for an exploration licence to which this clause applies:
  - (a) the transitional exploration application or transitional exploration licence is taken to include Group 11 minerals, and
  - (b) consent to the application is not required under that section if the application is accompanied by a statutory declaration by or on behalf of the applicant to the effect that it is not intended to prospect for thorium on the land to which the transitional exploration application or transitional exploration licence applies.
- (3) If an exploration licence is granted after an application for which consent is not obtained because of subclause (2) (b), the exploration licence is taken, to the extent that it applies to land covered by the transitional exploration application or transitional exploration licence to be a licence over Group 11 minerals (other than thorium).

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- (4) An exploration licence referred to in subclause (3) is taken to be a licence over all Group 11 minerals if:
- (a) the transitional exploration application lapses or is refused, or
  - (b) the transitional exploration licence ceases to be in force and is not succeeded by a mining lease or assessment lease that is taken to include thorium.

### 13 **Assessment lease applications relating to land subject to transitional exploration application**

For the purposes of the application of section 37 (1) (c) (i) of the Act to an application for an assessment lease sought in respect of thorium on land that is subject to a transitional exploration application, the transitional exploration application is taken to include Group 11 minerals.

**Note.** The effect of this provision is to require the consent of the applicant under a transitional exploration licence to the proposed assessment lease. Because clause 11 deems thorium to be included as a Group 1 mineral covered by a transitional exploration licence or a transitional exploration application, the consent of the holder of the transitional exploration licence is also required to be obtained under section 37 of the Act to an application for an assessment lease that applies to thorium on the same land. Similarly, the consent of the holder of a transitional exploration licence or a transitional exploration application is also required to be obtained under section 58 of the Act to an application for a mining lease in respect of thorium on the same land.